



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

On August 4, 2021, the Tenant submitted an Application for Dispute Resolution under the *Manufactured Home Park Tenancy Act* (the “Act”) to cancel a One Month Notice to End Tenancy for Cause, and to claim reimbursement for the filing fee. The matter was set for a participatory hearing via conference call.

The Tenant’s Representative attended the conference call hearing; however, the Landlord did not attend at any time during the 22-minute hearing. The Representative testified that they served the Landlord with the Notice of Dispute Resolution Proceeding package by taping it to the door of the Landlord’s office on August 23, 2021. The Tenant called the Witness who provided affirmed testimony that he was present with the Representative when she attended to the Landlord’s office in the mobile home park. The Witness stated that he observed the Representative tape the Notice of Dispute Resolution Proceeding package to the door of the Landlord’s office, sometime after dinner, on the evening of August 23, 2021. The Witness provided the Landlord’s first name and stated that he believes the Landlord also lives in a home attached to the office.

Section 82 of the Act provides guidance for parties with regards to service of certain documents including an Application for Dispute Resolution and the Notice of Dispute Resolution Proceeding. The Notice must be given in one of the following ways: by leaving a copy with the Landlord (personal service); by leaving a copy with an agent of the Landlord (personal service to agent); or, by sending a copy by registered mail to the address at which the Landlord carries on business.

During the hearing I noted that the Tenant may have proven service; however, upon further consideration whether the Landlord was properly served the Notice of Dispute Resolution Proceeding package (which sets out the details of when and how to

participate in the hearing), I find that the Landlord has not been duly served with the Notice of Dispute Resolution Proceeding in accordance with Section 82 the Act.

I am, therefore, unable to hear the Tenant's Application as I am not satisfied that the Landlord was properly served with the Notice of Dispute Resolution Proceeding. As a result, this Application is dismissed with leave to reapply.

As the Landlord did not attend this hearing to validate the One Month Notice to End Tenancy, I will not consider the issuance of an Order of Possession.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the Legislation. I have not made any findings of fact or law with respect to the Application.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: September 16, 2021

Residential Tenancy Branch